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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,386	07/17/2000	Dennis J. Dunray	3367-6	8474

7590 01/12/2005
Sheldon F Goldberg
3360 E Serence
Henderson, NV 89014

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/617,386

Applicant(s)

DUPRAY ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has submitted two amendments to the previous Office Action: a first amendment dated 13 July 2004; and a second amendment dated 14 July 2004, which was presented as a correction to the first amendment. The first amendment is being disregarded.
2. In response to the previous Office Action, Applicant has amended claims 1, 9, 10, and 17; and cancelled claims 8 and 18. Claims 1-7 and 9-17 have been examined.

Drawings

3. The drawings were received on 14 July 2004. These drawings are not acceptable.
4. The drawings are objected to under 37 CFR 1.84(u) because the figures in the drawings submitted 14 July 2004 are not numbered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

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5. Claim 1 is objected to because of the following informalities: On line 19, the phrase "subsequently, second..." is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 9-13, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,509,071 to Petrie, Jr. et al.

As per claims 1, 2, 9, 10, 12, 13, and 17, Petrie discloses a transaction between a first party (the vendor) and a second party (the customer) where an encrypted artifact (using a secret key) is again encrypted by the vendor using a key related to the customer (such as a key in a public-private key pair). The doubly-encrypted message is sent to the customer, who partially decrypts it using the other half of the key pair (possibly also getting an acknowledgement message, which is an "instance" of the information), and, subsequently, after the vendor completes a purchase transaction with the customer, receives a key from the vendor for decrypting the artifact (see column 4, line 52 to column 5, line 47).

As per claim 3 and 11, they are connected via a network (see column 6, line 31).

As per claim 15, the customer key for transmission may be acquired via a third party (see column 4, lines 63-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,762,552 to Vuong et al. in view of U.S. Patent No. 5,509,071 to Petrie, Jr. et al.

Regarding parent claims 1-3, 14, and 15, Vuong discloses a gaming system including the use of encryption in network communications (see column 5, lines 24-35), but does not specify a specific algorithm by which to do so.

A transaction system for doing so is disclosed by Petrie, as described above, and Petrie notes the usage of RSA for public key encryption (see Petrie, column 1, line 54 to column 2, line 5). Petrie further suggests that it is to provide a convenient and reliable system for providing to a sender proof of receipt by an intended electronic recipient (see column 2, lines 50-53).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the encryption of the gaming system disclosed by Vuong using the transaction system of Petrie, in order to provide a convenient and reliable system for providing to a sender proof of receipt by an intended electronic recipient.

As per claim 4, the Gaming System disclosed by Vuong uses local area networks (see column 7, line 66 to column 8, line 27).

As per claim 5, a set of bets is presented to the network manager before play (see column 3, lines 9-15).

As per claim 6, participants enter activities and obtain identifications associated with the outcome (see column 8, line 52 to column 9, line 39).

As per claim 7, a game that is a drawing is disclosed, specifically Keno (see column 4, lines 20-30).

Regarding claim 16, Vuong discloses that such gambling may be done on the Internet, using an internet-based server (see column 2, lines 7-25).

Official notice is given that it is well-known in art that that interfaces to Internet servers are commonly implemented using web sites, in order to make them easily usable by consumers.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Vuong and Petrie by implementing the system on an internet web server, in order to make it easily usable by consumers.


Response to Arguments

8. Applicant's arguments, see Remarks, filed 14 July 2004, with respect to the rejections of claims 1-17 under 35 U.S.C. 102 and 35 U.S.C. 103 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the art cited above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

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MEH

A handwritten signature in black ink, appearing to be 'MEH' followed by a stylized flourish.

December 29, 2004